

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

Declaratory Ruling and)	
)	
Notice of Proposed Rulemaking)	CC Docket No. 95-155
)	WC Docket No. 18-28
Regarding Text-Enabled)	
)	
Toll-Free Numbers)	

COMMENTS OF TEN DIGIT COMMUNICATIONS LLC

Gary G. Brandt
President
TEN DIGIT Communications LLC
20 Church Street
Hartford, CT 06103
Mobile: (860) 986-9100
Call or Text: (888) 512-8398 (TEXT)
gary.brandt@tendigittext.com

August 23, 2018

TEN DIGIT Communications LLC (“TEN DIGIT”) is a nationwide provider of landline and toll-free texting services to businesses with a primary customer focus on call centers. Formed in 2013, TEN DIGIT continues to provide the services in the competitive landline and toll-free texting marketplace.¹ TEN DIGIT has developed a patented SMS text messaging platform to provide cost effective, innovative and transformational communications solutions for contact centers and enterprise customers (using existing landline and toll-free numbers), resulting in improved customer and agent satisfaction as well as substantial efficiency gains. These service benefits have been validated by Fortune 500 enterprises and enterprise contact centers are primary users of toll-free numbers.

On June 7, 2018, the Federal Communications Commission (“Commission”) issued a Declaratory Ruling and Notice of Proposed Rulemaking (“NPRM”) specifically addressing texting services to toll-free numbers.² The Commission’s actions in this proceeding are solely designed to prevent fraud in the toll-free texting marketplace. In its Declaratory Ruling, the Commission clarified that any texting agency may not enable a toll-free number for texting without the explicit authority of the subscriber of that toll-free number.

In the complementary NPRM, the Commission requested comments on whether or not Responsible Organization (“Resp Org”), with assignment and routing authority for that toll-free number, should also be involved in the text enabling process. Further, the Commission requested comments as to the viability and usefulness of a national toll-free texting registry which,

¹ See www.tendigitcommunications.com

² *Text-Enabled Toll Free Numbers*, Declaratory Ruling and Notice of Proposed Rulemaking, FCC 18- 77 (June 7, 2018).

presumably, will be maintained by Somos, Inc. (“Somos”), the national toll-free number administrator (“TFNA”).

As TEN DIGIT has previously informed the Commission, toll-free texting, and texting to any wireline number for that matter, is similar to texting between any two wireless communications devices. The difference is that the toll-free or wireline telephone number subscriber sees the text via a cloud-based software application or application programming interface (“API”) on a smart phone, computer or tablet. The receiver can interact and manually or automatically reply. The technology is flexible, seamless and enjoyed by millions of individuals and businesses throughout the world. It is almost indistinguishable from traditional wireless to wireless messaging which, to date, has thrived without more than limited government intervention (i.e., spamming rules). A quick search on the Internet demonstrates that there are numerous providers offering wireline and toll-free texting services. This lengthy list includes some of America’s most prominent communications service providers as well as many smaller companies including many who are also toll-free Resp Orgs.

Several Resp Orgs and Somos are on record in this proceeding making unsubstantiated claims that the toll-free texting market is a failed market in need of immediate government correction. These claims are based on an assumption that all toll-free texts have to proceed through one aggregator in order for the messages to reach their intended destination. However, there is absolutely no empirical evidence that the toll-free texting marketplace is exposed to fraud or is a market failing in any way.

A good indicator to any regulator that the market is failing is the number of customer complaints. The Commission rightly took action with regard to texting by strengthening consumer protections against fraud by ensuring the subscriber is directly involved with the text enablement

process. Requiring the involvement of the Resp Org and Somos in this process is the quintessential solution looking for a problem. Were this a pressing problem, supporting data would be simple to provide and compelling to an argument. The facts at hand tell a different story. A business or individual that wishes to activate its/her number for texting has to do so affirmatively. The person sending a text to those destinations has to do so willingly as well. In this relationship, there is little incentive for either party to engage in a practice that would result in a complaint to a third party. Further, as TEN DIGIT can attest, it is in the provider's best interest to contact the customer directly to either confirm they wish to activate their number for texting or use a document like a letter of authorization/agency ("LOA") or contract to confirm that is the case. The LOA or standard contract ensures there is a verifiable paperwork trail to confirm the customer's intent in case of a future dispute.

Resp Orgs are irrelevant to the enabling of toll-free numbers for texting. Further, Somos, the monopoly provider of toll-free number administration and routing, does not need a further chokehold on its existing monopoly on the toll-free services database. As Somos enjoys both their privileged position and an effective lock on the toll-free database and associated record and administration queries, the toll-free marketplace remains both moribund and needlessly expensive. There are examples of the good that can happen in a marketplace when regulation is relaxed. The communications industry has benefitted greatly from the deregulation of LNP, SS7 and toll-free query services formerly provided in some manner by the Regional Bell Operating Companies ("RBOCs"). Both are proof that database services have been, and can be, migrated to modern, efficient IT platforms accessed by advanced Internet Protocol techniques.

For ordinary telephone numbers, subscriber authority for certain uses and number porting via a letter of authorization/agency ("LOA") is sufficient to protect the interests of the subscriber

and it should serve well to protect the interests of toll-free number subscribers as well.

Resp Orgs and Somos bear the burden of demonstrating the toll-free texting market has failed or is subject to fraud that requires government intervention. Neither met that burden. Therefore, the Commission need not take further action in this regard.

Respectfully submitted,

Gary G. Brandt
President
20 Church Street
Hartford, CT 06103
TEN DIGIT Communications LLC
Mobile: (860) 986-9100
Call or Text: (888) 512-8398 (TEXT)
gary.brandt@tendigittext.com

August 23, 2018